

R E M A R K S

Claims 1-29 are currently pending. Applicant thanks the Examiner for indicating that Claims 1-19 are allowed and that Claims 24, 25, 28 and 29 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In the Office Action mailed September 7, 2005, the Examiner has raised the following issue:

- 1) Claims 20-23, 26 and 27 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 6,120,165 to Shalvi (Shalvi).

Applicant hereby amends the Specification, Drawings and Claims 1 and 20, in order to further the prosecution of the present application and Applicant's business interests, yet without acquiescing to the Examiner's arguments. Applicant reserves the right to prosecute the original, similar, or broader claims in one or more future application(s). In particular, Applicant hereby amends the Specification and Figure 9 to properly label the switch element as 71 and the ninth resistor element as 72. Support for these amendments can be found in the description of Figure 9.

1) The Claims Are Novel

The Examiner has rejected Claims 20-23, 26 and 27 under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 6,120,165 to Shalvi (Shalvi). The Examiner states:

[r]egarding claim 20, Shalvi discloses an outdoor solar lamp including: a body (13); a lens mounted on the body (13) and generally enclosing a chamber; a circuit (21) having at least two lamps of different colours to produce a desired colour including a varying colour, the lamps being mounted to direct light into the chamber, connections for at least one rechargeable battery to power the circuit and a solar cell (12) mounted on an exposed surface of the assembly and operatively associated with the connections to charge the battery, and a switch being exposed to provide for access hereto by a user. See figures 1-3, col. 1, lines 40-67, to col. 3, lines 1-28 (Office Action, pages 2 and 3).

Applicant respectfully disagrees that the claims are anticipated by Shalvi. Nonetheless, Applicant has amended Claims 1 and 20, in order to further the prosecution of the present application and Applicant's business interests, yet without acquiescing to the Examiner's arguments, and while reserving the right to prosecute the original, similar, or broader claims in one or more future application(s). In particular, Applicant has amended Claims 1 and 20 to

recite “a solar cell mounted on a surface of the assembly so as to be exposed to light.” Support for this amendment is found for instance in Figures 2, 3 and 6, and in the description, which teaches:

the upper surface of the assembly 27 is provided with the solar cell 30. The cell 30 is exposed [to light] through a central rectangular aperture of the cap 25 (Specification, at page 4, lines 19-21).

In addition, Applicant has amended Claim 20 to recite “a user operated on/off switch operable to control delivery of electric power from the battery to operate said circuit, the switch being exposed to provide for access thereto by a user thereby enabling a user to manipulate the switch to control the delivery of electric power from the battery. Support for this amendment is found for instance, in the text of original Claim 24, in Figure 5 and 9, and in the description, which teaches:

[t]he switch 40 and/or switch 65 is/are mounted on the base 26 so as to be on a downwardly facing external surface 72 of the base 26. This enables a user to control the device via readily accessible switches, without needing to remove the cap assembly 24. The switches 40 and 65 are each operable to control delivery of electric power from the batteries to the LEDS (Specification, at page 9, lines 7-11).

It is noted that the Examiner considered original Claim 24 to be allowable. In this regard, Claim 20 has been amended to include a portion of Claim 24 relating to specific operation(s) that are performed by the switch element.

In contrast to the invention of Claims 20-29, the power switch (31) of Shalvi is not exposed. Specifically, Shalvi teaches:

[a] power switch 31 is used to connect the battery 19 to the rest of the circuit. The main switch 31 is normally hidden or not immediately accessible from outside the housing 13 to prevent switching ON and OFF by an unauthorized person (Shalvi, column 2, lines 31-35). ... More importantly, any intruder is unable to dis-arm or turn off the solar lamp by operating the switch 31, or some other manual switch on the solar lamp (Shalvi, column 3, lines 7-10).

As the switch of the pending claims is a "switch being exposed to provide for access thereto by a user thereby enabling a user to manipulate the switch to control the delivery of electric power from the battery," Shalvi does not teach or suggest at least one element of the claims. In addition, unlike amended Claims 20-29, the lamps of Shalvi are not lamps of different colours for producing a desired colour, and/or lamps of different colours for producing a varying colour. In fact, Shalvi provides no teaching or suggestion in regard to lamp colour(s), let alone desired light colour(s) or varying light colour(s). As the lamps of the pending claims are "at least two lamps of different colours to produce a desired colour including a varying colour," Shalvi does not teach or suggest at least two elements of the claims. Since the claims are novel over Shalvi, Applicant respectfully requests that this rejection be withdrawn.

CONCLUSION

Applicant believes the amendments and arguments set forth above traverse the Examiner's rejections and therefore request that these grounds for rejection be withdrawn. Should the Examiner believe a telephone interview would aid in the prosecution of this application, the Applicant encourages the Examiner to call the undersigned collect before the mailing of a further Office Action.

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AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figure 9, and replaces the original sheet including Figure 9. In original Figure 9, the switch element 71 was erroneously labeled 60, while the ninth resistor element 72 was erroneously labeled 71.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

